

In 1976, the U.S. became a signatory to the International Covenant on Civil and Political Rights (CCPR), which 143 other nations have also joined. Article 6(5) states, "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women." The U.S. entered a partial reservation to Article 6(5), which reads, "The United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age." [italics added for emphasis] Thus, within the reservation itself, the U.S. bound itself not to permit the execution of any woman who carries an unborn child. Congress has constitutional authority to explicitly apply this treaty obligation to the states.

H.R. 4888's definition of "child in utero" ("a member of the species homo sapiens, at any stage of development, who is carried in the womb") is taken verbatim from the Unborn Victims of Violence Act (H.R. 2436), passed by the House on September 30, 1999, by a vote of 254-172. (1999 House roll call no. 465) Similar definitions and terminology are found in numerous state laws. Like those state laws, this bill has no effect on access to legal abortion, either for women on death row or anybody else.

Vice President Gore, asked by NBC's Tim Russert whether he agreed with the current prohibition on federal executions of pregnant women, laughed and said, "I'd want to think about it." (Meet the Press, July 16, 2000) On July 17, "Mr. Gore said he favored allowing a pregnant woman to choose whether to delay her execution until she gave birth. 'The principle of a woman's right to choose governs in that case,' he said." (The New York Times, July 18) Gore's position implicitly repudiates the innocent child principle embodied in the International Covenant on Civil and Political Rights and in Title 18 U.S.C.A. Sect. 3596, both of which flatly prohibit the government from taking the child's life.

Mr. DELAHUNT. Madam Speaker, I rise in support of the bill, which would prevent the execution of a woman who is carrying a child.

As the lead sponsor of the Innocence Protection Act, I commend the authors of the bill for their concern that innocent human beings not be executed. However, I urge them to recognize that there may also be a second innocent human being involved in such cases—namely the mother herself.

Unfortunately, this very limited measure does nothing to prevent the execution of an innocent adult human being for a crime she did not commit.

The Innocence Protection Act of 2000 (H.R. 4167), which Mr. LAHOOD and I have introduced, would prevent such a thing from happening. Its two principal provisions concern the two most important tools by which the possibility of error can be minimized: DNA testing and competent legal representation.

This legislation arose out of a growing national awareness that the machinery by which we try capital cases in this country has gone seriously and dangerously awry.

Since the reinstatement of the death penalty in 1976, a total of 653 men and women have been executed in the United States, including 55 so far this year alone. During this same period, 87 people—more than one out of every 100 men and women sentenced to death in the United States—have been exonerated

after spending years on death row for crimes they did not commit.

It is cases like these that convinced such organizations as the American Bar Association—which has no position on the death penalty per se—to call for a halt to executions until each jurisdiction can ensure that it has taken steps to minimize the risk that innocent persons may be executed.

It is cases like these that convinced Governor Ryan—a Republican and a supporter of the death penalty—to put a stop to executions in Illinois until he could be certain that "every-one sentenced to death in Illinois is truly guilty."

It is cases like these that should convince every American that Governor Ryan and the American Bar Association are right. We may not all agree on the ultimate morality or utility of capital punishment. Indeed, you have before you a pair of cosponsors who differ on that question. I spent my career as a prosecutor in opposition to the death penalty. Congressman LAHOOD is a supporter of the death penalty. But we agree profoundly that a just society cannot engage in the killing of the innocent. We have come together in this bipartisan effort to help prevent what Governor Ryan has called "the ultimate nightmare, the state's taking of innocent life."

I have heard some suggest that the concerns expressed by Governor Ryan are somehow peculiar to the State of Illinois. Nothing could be further from the truth. The system is fallible everywhere it is in place.

Only last month we received fresh evidence of this with the release of the first comprehensive statistical study ever undertaken of modern American capital appeals. The study, led by Professor James Liebman of Columbia University, looked at over 4,500 capital cases in 34 states over a 23-year period. According to the study, the courts found serious, reversible error in 68 percent of the capital sentences handed down over this period. And when these individuals were retried, 82 percent of them were found not to deserve the death penalty, and 7 percent were found innocent of the capital crime altogether.

These are shocking statistics, Mr. Speaker. It is hard to imagine many other human enterprises that would continue to operate with such a sorry record. I dare say that if seven out of every 10 NASA flights burned up in the upper atmosphere, we'd be reassessing the space program. If commercial airlines operated their planes with a 68 percent failure rate, we'd all be taking the train.

Yet even if these statistics are wildly exaggerated, where the taking of human life is involved, it seems to me we must strive to reach "zero tolerance" for error. As Governor Ryan recently said, "99.5 percent isn't good enough" when lives are in the balance.

Nothing we can do will bring absolute certainty. Judges, jurors, police, eyewitnesses, defense attorneys, and prosecutors themselves—all are human beings, and all make mistakes. As a prosecutor for over 20 years, I certainly made my share of them. But we do have the means at our disposal to minimize the possibility of error. And where lives are at stake, we have a responsibility to put those tools to use.

The Innocence Protection Act will help ensure that fewer mistakes are made in capital cases. And that when mistakes are made, they are caught in time.

I hope that the authors of today's bill are truly serious about the need to prevent the execution of the innocent, and that they will join the 79 members of this House—both Republicans and Democrats—who have cosponsored the Innocence Protection Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888.

The question was taken.

Mr. HUTCHINSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4461) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD to be the conferees on the part of the Senate.

#### COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4923) to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The Clerk read as follows:

H.R. 4923

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Community Renewal and New Markets Act of 2000".